

**TASMANIAN INDUSTRIAL COMMISSION**  
Industrial Relations Act 1984

T No. 5539 of 1995

**IN THE MATTER OF** an application by the  
AWU-FIME Amalgamated Union, Tasmania  
Branch to vary the Cement Makers Award

re remuneration and classifications  
applicable to the control room operator

COMMISSIONER GOZZI

DEVONPORT, 26 July 1995  
continued from 30/6/95

**TRANSCRIPT OF PROCEEDINGS**

Unedited

Gentlemen, we concluded this matter in Devonport on the basis that you had reached consent of what should apply in respect of the rate of pay for a grade 7 - that's the control room operator - central control room operator - and I think you were going to try and develop some consent draft orders. Mr Watson?

5 MR WATSON: Commissioner, if I can just notify of a change in appearance please.

COMMISSIONER GOZZI: Yes.

**MR M. WATSON:** MARK WATSON; I appear on behalf of the Tasmanian Chamber of Commerce and Industry in lieu of Mr Targett who has actually had the carriage of this matter right through until today.

10 COMMISSIONER GOZZI: Oh, that's right - he did too. Yes. That's right - I'd forgotten. I thought it was ....

MR WATSON: Commissioner, I can report that we do have consent in relation to the draft orders and I'd just like to table copies of those if I can please.

COMMISSIONER GOZZI: Now for simplicity's sake we'll just mark that exhibit W.1.

15 MR WATSON: Commissioner, the - as I say, the orders are a consent matter and in effect - in effect what has happened is the order reflects basically the content of the matter that was before you.

COMMISSIONER GOZZI: Mm.

20 MR WATSON: There are minor changes to the definitions for grade 6, 7 and 8 in the award as it stands at the moment and also effectively we have new classes or grades 9, 10 and 11 as such.

The order that's before you we would seek an operative date of the first full pay period on or after the 30th June '95 and on that basis I hadn't intended to go to the orders in detail as I think you're probably quite familiar with the case -

25 COMMISSIONER GOZZI: No, that's fine.

MR WATSON: - itself, commissioner. So I guess all I can do is commend those orders to you to be ratified from the first full pay period on or after the 30th June 1995.

COMMISSIONER GOZZI: Right, thank you, Mr Watson. Mr Cooper?

30 MR COOPER: Yes, commissioner, in respect to this I would just like to say that consistent with the agreement reached between the parties in conclusion of proceedings in Devonport before yourself last time, Mr Targett did draft the orders as he undertook to do. He did provide me with a copy of those on Friday of last week, so I've had plenty of time to have a look at those and we have had several discussions on the phone about the draft orders. I don't intend to deviate from the comments that Mr  
35 Watson has made that there are some changes to the definitions and they are - have been outlined. These are reflected in terms of the new levels that you're aware that are going in and also the changes that go to how people can progress the career path which previously wasn't - wasn't clearly stated. So I don't have any problem with those submissions, sir. It is a consent matter and we don't have any objection to the draft  
40 orders as provided in W.1 nor do we have an objection to the operative date being the 30th June 1995.

COMMISSIONER GOZZI: Yes - first pay period on or after.

MR COOPER: It's the first full pay period on or after, sir - yes. If the commission pleases.

COMMISSIONER GOZZI: Mr Cooper, just in respect to these definition changes - can - are you able to identify those?

5 MR WATSON: Oh, .... - do you want me to do that?

MR COOPER: I don't mind - yes - doesn't matter.

MR WATSON: Yes. Perhaps if I can do that, commissioner. The changes are that in grade 6, which is the first page of the order there -

COMMISSIONER GOZZI: Yes.

10 MR WATSON: - in subclause - where it says: an employee at this level may -

COMMISSIONER GOZZI: Yes.

MR WATSON: - in roman numeral (i) there - that is in fact a new clause which allows - which allows for progression.

COMMISSIONER GOZZI: Right, okay.

15 MR WATSON: Okay.

COMMISSIONER GOZZI: That's the progression part - that's -

MR WATSON: Yes.

COMMISSIONER GOZZI: - included there.

MR WATSON: So that's a new - that's a new part.

20 COMMISSIONER GOZZI: Yes.

MR WATSON: And then if you go to grade 7 on page 3 -

COMMISSIONER GOZZI: Yes.

MR WATSON: - again the same roman numeral (i) and (ii) are new.

25 COMMISSIONER GOZZI: In the progression - aspects in respect to the Certificate in Cement Manufacturing.

MR WATSON: Yes. Yes.

COMMISSIONER GOZZI: Right.

MR WATSON: Again, if you go to grade 8 which is on page 4 -

COMMISSIONER GOZZI: Roman numerals (i) and (ii)?

30 MR WATSON: Roman numerals (i) and (ii) - yes.

COMMISSIONER GOZZI: Very good.

MR WATSON: And then if you go to grade 9, 10 and 11 on pages 5, 6 and 7 -

COMMISSIONER GOZZI: Yes.

MR WATSON: - effectively that's all new content as far as the definitions are concerned.

5 COMMISSIONER GOZZI: And this really allows as Mr Cooper said, the progression beyond grade 8 -

MR WATSON: That's correct.

COMMISSIONER GOZZI: - and also the progression for the other classifications in the context of the qualifications they may attain -

MR WATSON: Yes, the -

10 COMMISSIONER GOZZI: - by attending these - completing these units in Advanced Certificate in Cement Manufacturing in the case of grade 9 and so on.

MR WATSON: Yes. That's right. There is recognition for the certificate and the advanced certificate.

COMMISSIONER GOZZI: Yes.

15 MR WATSON: Yes.

COMMISSIONER GOZZI: Very good indeed.

MR WATSON: Thank you.

COMMISSIONER GOZZI: Anything further, Mr Cooper?

20 MR COOPER: No, sir. The only other changes are of course obviously the consequential changes that are required in clause 8 which is dealt with on page 8 and 9 -

COMMISSIONER GOZZI: Yes.

25 MR COOPER: - and they add the new levels. What this consent application does, it doesn't disturb the relativities that were previously agreed but it allows for further progression through the adding of additional - additional relativities through additional levels and also allows for flexibility within six and seven which previously wasn't there either for those people to gain the certificate and be rewarded accordingly. So I think all in all, sir, it's a good outcome from a very difficult - what potentially could have been a very difficult arbitration if it was required to go that way.

30 COMMISSIONER GOZZI: Yes, it certainly is a good outcome. Mr Cooper, I thought the grade 8's also got a -

MR COOPER: Yes, sir, in terms of the existing ones, what happened was because there was an RPL assessment done, they progressed, sir. That's what happened with them.

35 COMMISSIONER GOZZI: Right.

MR COOPER: And there was an undertaking given by the company that they would recognise the skills and experience of those people.

COMMISSIONER GOZZI: Towards the grade 9?

MR COOPER: Yes - correct, sir.

COMMISSIONER GOZZI: Didn't we change the actual grade 8 rate of pay?

MR COOPER: No, sir.

5 COMMISSIONER GOZZI: No. It was a case of recognising their experience and so on by allowing them to be classified in grade 9.

MR COOPER: That's correct, sir. And that's where they picked up the benefits from that and it flowed back to the sixes and sevens as well, sir.

10 COMMISSIONER GOZZI: Exactly - yes. Yes, fine. All right. Well listen, thank you for that - I think that's the conclusion to a difficult exercise, as you've stated, Mr Cooper, and I appreciate that Mr Targett and yourself were able to reach agreement and you presenting the draft orders this morning, Mr Watson.

MR WATSON: I did the easy bit, commissioner.

COMMISSIONER GOZZI: Well sometimes when you look at some of the orders, maybe not.

15 All right, well I'm pleased to endorse that operative from the first full pay period on or after the 30th June 1995 and a decision and orders will issue shortly.

Just in respect to that award, I think there are some other issues that probably need to be addressed at some stage to try and look at how the various pay components ought to be perhaps consolidated. I think there's scope to do that, quite honestly.

20 MR COOPER: Yes, I agree.

COMMISSIONER GOZZI: I mean it really is - whilst it is in the form of an industry at the moment, it really is to all intents and purposes an enterprise award and I think, you know, there's a lot of scope to do something there to make the award a bit simpler. I think, anyway.

25 MR COOPER: I endorse those comments, commissioner. I certainly do.

COMMISSIONER GOZZI: All right. Thanks very much.

**HEARING CONCLUDED**